

AMENDED IN ASSEMBLY APRIL 15, 2002
AMENDED IN ASSEMBLY MARCH 18, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1758

Introduced by Assembly ~~Member Nakano~~ *Members Nakano and Shelley*

(Coauthors: Assembly Members Alquist, Cedillo, Chavez, Cohn, Diaz, Keeley, Koretz, Liu, Longville, Pavley, Salinas, *Steinberg*, Strickland, Strom-Martin, and Wayne)

(Coauthors: Senators Alarcon, Karnette, Kuehl, McClintock, and Romero)

January 7, 2002

An act to add Section 354.7 to the Code of Civil Procedure, relating to limitation of actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1758, as amended, Nakano. Limitation of actions: Holocaust victims.

Existing law authorizes actions for the taking, detaining, or injuring of any good or chattel, or for the specific recovery of personal property to be commenced within 3 years. Existing law authorizes actions for the theft of any article of historical, interpretive, scientific, or artistic significance to be commenced within 3 years of the discovery of the article by various entities, as defined.

This bill would authorize any Holocaust victim, or heir of the victim, to bring an action in superior court to recover Holocaust-era artwork, as defined, from ~~museums and galleries located in California~~ *any*

museum or gallery. This bill would provide that any action brought under these provisions shall not be dismissed for failure to comply with the applicable statute of limitation, provided the action is commenced on or before December 31, 2010.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the
- 2 following:
- 3 (a) During World War II, untold millions of lives and property
- 4 were destroyed.
- 5 (b) In addition to the many atrocities that befell the victims of
- 6 the Nazi regime, treasured pieces of artwork were wrongfully
- 7 taken.
- 8 (c) Thousands of victims of Nazi persecution, and the heirs of
- 9 victims of Nazi persecution, are residents of the State of
- 10 California. Many of these victims and descendants are
- 11 investigating the whereabouts of artwork that rightfully belonged
- 12 to their families.
- 13 (d) California has a moral and public policy interest in assuring
- 14 that its residents and citizens are given a reasonable opportunity to
- 15 commence an action in court for those pieces of artwork now
- 16 located in ~~the museums and galleries of the State of California.~~
- 17 (e) Currently, an individual has three years, after discovering
- 18 the whereabouts of the artwork, to commence an action in court.
- 19 (f) However, due to the unique historical nature of
- 20 Holocaust-era artwork, commencement of an action requires
- 21 detailed investigation in several countries, involving numerous
- 22 historical documents and the input of experts.
- 23 (g) In order to obtain all necessary data, investigating a
- 24 prospective action may take several years.
- 25 (h) The current three-year statute of limitation, after discovery
- 26 of the whereabouts of the artwork, is an insufficient amount of
- 27 time to finance, investigate, and commence an action.
- 28 (i) To the extent that the enactment of this act will extend the
- 29 statute of limitation, that extension of the limitation period is
- 30 intended to be applied retroactively, irrespective of whether the



1 claims were barred by any applicable statute of limitation under
2 any other provision of law prior to the enactment of this act.

3 SEC. 2. Section 354.7 is added to the Code of Civil Procedure,
4 to read:

5 354.7. (a) The following definitions govern the construction
6 of this section:

7 (1) “Entity” means any museum or gallery ~~located in the State~~
8 ~~of California~~ that displays, exhibits, or sells any article of
9 historical, interpretive, scientific, or artistic significance.

10 (2) “Holocaust victim” means any person who was persecuted
11 during the period of 1929 to 1945, inclusive, by Nazi Germany, its
12 allies, or sympathizers.

13 (3) “Holocaust-era artwork” means any article of historical,
14 interpretive, scientific, or artistic significance taken during the
15 period of 1929 to 1945, or as a result of persecution by Nazi
16 Germany, its allies, or sympathizers.

17 (b) Notwithstanding any other provision of law, any Holocaust
18 victim, or heir or beneficiary of a Holocaust victim, may bring an
19 action to recover Holocaust-era artwork from any entity described
20 in paragraph (1) of subdivision (a). That action may be brought in
21 a superior court of this state, which court shall have jurisdiction
22 over that action until its completion or resolution.

23 (c) Any action brought under this section shall not be dismissed
24 for failure to comply with the applicable statute of limitation, if the
25 action is commenced on or before December 31, 2010.

